



DAC  
JRW

S/N 09/842,019

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dean S. Susnow et al.

Examiner: Ricardo Pizarro

Serial No.: 09/842,019

Group Art Unit: 2661

Filed: April 26, 2001

Docket: 884.B05US1

Title: LINK LEVEL PACKET FLOW CONTROL MECHANISM

Assignee: Intel Corporation

Customer No. 21186

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR § 1.137(a) OR,  
IN THE ALTERNATIVE, PETITION FOR REVIVAL OF AN APPLICATION  
ABANDONED UNINTENTIONALLY UNDER 37 CFR § 1.137(b)**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

As provided in MPEP § 711.03(c), the undersigned attorney as Representative for the Applicant believes that the above-identified application was unavoidably abandoned by Applicant, and hereby petitions for revival of the abandoned application based on the following facts and information:

1. On or about February 17, 2004, the above-referenced matter was transferred to Schwegman, Lundberg, Woessner & Kluth, P.A. (SLWK) from Antonelli, Terry, Stout & Kraus, LLP (ATSK). A Status Inquiry, Revocation and Power of Attorney Certificate under 37 CFR § 3.73(b), and Change of Correspondence Address were filed with the U.S. Patent and Trademark Office (USPTO) on that date. A copy of that correspondence, as well as the date-stamped itemized postcard indicating receipt of same by the USPTO, is enclosed herewith as Exhibit A.

2. On August 2, 2005, SLWK received a copy of an Office Action dated October 27, 2004 third-hand from Blakely, Sokoloff, Taylor & Zafman (BSTZ), together with a letter of apology directed to BSTZ for having set aside correspondence from the USPTO rather than forwarding the correspondence to the appropriate law firm. A copy of this correspondence,

11/01/2005 NGUYEN1 00000030 190743 09842019

03 FC:1452 500.00 DA  
04 FC:1453 1500.00 DA

including the Office Action dated October 27, 2004 is enclosed herein as Exhibit B. Thus, it appears that the USPTO did not effect the change of address. Therefore, the Office Action dated October 27, 2004 was sent from the USPTO to ATSK instead of from the USPTO to SLWK.

3. After receiving the Office Action dated October 27, 2004 (third-hand from BSTZ) in August 2, 2005, SLWK checked the status of the above-identified application using the Public PAIR of the USPTO website. The Public PAIR shows that on June 2, 2005, a Notice of Abandonment of the application for failure to timely file a proper reply to the Office Action dated October 27, 2004 was addressed to ATSK (not to SLWK). A copy of the Notice of Abandonment dated June 2, 2005, which SLWK printed from USPTO website, is enclosed herewith as Exhibit C.

4. Because this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

5. A completed amendment and response to the Office Action dated October 27, 2004 is enclosed herewith. Please charge the Petition Fee of \$500.00, as set forth in 37 CFR §1.17(l), or in the alternative, the Petition Fee of \$1,500 as set forth in 37 CFR §1.17(m), to the Deposit Account No. 19-0743. No further fee is believed due for this petition, but if additional fees are required, the additional fees may be charged to Deposit Account No. 19-0743.

6. Although Applicant's Representative believes this Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) to be correct and appropriate, Applicant's Representative also states in the alternative that the entire delay in filing the required reply from the due date for the required reply until the filing of this Petition under 37 C.F.R. § 1.137(b) was unintentional. In the event it is deemed that a Petition to Revive Abandoned Application under 37 CFR § 1.137(b) is required to revive this application, such

PETITION FOR REVIVAL UNDER 37 CFR § 1.137(a)

Serial Number: 09/842,019

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Title: LINK LEVEL PACKET FLOW CONTROL MECHANISM

Assignee: Intel Corporation

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Dkt: 884.B05US1

petition is hereby made, and any fees required are requested to be charged to Deposit Account No. 19-0743.

The Examiner is invited to telephone Applicant's below-named representative if there are any questions regarding this communication.

Respectfully submitted,

Dean S. Sunsnow et al.

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 373-6969

Date October 28, 2005

By

  
Viet V. Tong

Reg. No. 45,416

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, Alexandria, VA 22313-1450, on this 28th day of October, 2005.

Amy M. Moriarty

Name

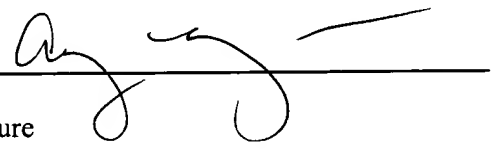
  
Signature



EXHIBIT A

Receipt is hereby acknowledged for the following in the United States Patent and Trademark Office:

In re application of : Dean S. Susnow et al.  
Title: LINK LEVEL PACKET FLOW CONTROL MECHANISM  
Serial No. 09/842019  
Filed: April 26, 2001

CONTENTS: Revocation and Power of Attorney (2 pages); Status Inquiry (1 page); and transmittal document (1 pg.).

Mailed: February 17, 2004  
AMM:CMG:kml  
Docket: 884.B05US1





S/N 09/842019

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Dean S. Susnow et al.	Examiner:	Unknown
Serial No.:	09/842019	Group Art Unit:	Unknown
Filed:	April 26, 2001	Docket:	884.B05US1
Title:	LINK LEVEL PACKET FLOW CONTROL MECHANISM		
Assignee:	Intel Corporation	Customer No:	21186

STATUS INQUIRY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-identified patent application was filed on April 26, 2001. Applicants' last communication from the Patent Office was the Notice of Publication dated October 31, 2002. The file we received from previous counsel does not reflect issuance of a substantive Office Action in this application.

Kindly inform us as to the status of this application, directing such notice to the attention of the below-signed attorney for Applicant.

Respectfully submitted,

DEAN S. SUSNOW ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
Attorneys for Intel Corporation  
P.O. Box 2938  
Minneapolis, Minnesota 55402  
(612) 349-9592

Date Feb. 16, 2004

By Ann M. McCrackin  
Ann M. McCrackin  
Reg. No. 42,858

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17 day of February, 2004.

KACIA LEE  
Name

Kacia Lee  
Signature



S/N 09/842019

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Dean S. Susnow et al.	Examiner:	Unknown
Serial No.:	09/842019	Group Art Unit:	Unknown
Filed:	April 26, 2001	Docket:	884.B05US1
Title:	LINK LEVEL PACKET FLOW CONTROL MECHANISM		
Assignee:	Intel Corporation	Customer No:	21186

REVOCATION AND POWER OF ATTORNEY  
CERTIFICATE UNDER 37 CFR § 3.73(b)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In accordance with 37 C.F.R. Section 1.36, M.P.E.P. Section 402.05 and 402.07, please  
revoke any existing Powers of Attorney, if any, and appoint the following attorneys and/or patent  
agents to prosecute this application and to transact all business in the Patent and Trademark  
Office in connection therewith:

Aldous, Alan	Reg. No. 31,905	Mates, Robert E.	Reg. No. 35,271
Anderson, Robert D.	Reg. No. 33,826	McCall, Molly	Reg. No. 46,126
Anglin, J. Michael	Reg. No. 24,916	McCrackin, Ann M.	Reg. No. 42,858
Arora, Suneel	Reg. No. 42,267	Mehrle, Joseph P.	Reg. No. 45,535
Bacon, Shireen	Reg. No. 40,494	Mennemeier, Larry	Reg. No. 51,003
Barre, Michael	Reg. No. 44,023	Muller, Mark V.	Reg. No. 37,509
Beale, Jay P.	Reg. No. 50,901	Nagy, Paul	Reg. No. 37,896
Beekman, Marvin L.	Reg. No. 38,377	Nama, Prakash	Reg. No. 44,255
Bianchi, Timothy E.	Reg. No. 39,610	Nelson, A. James	Reg. No. 28,650
Billion, Richard E.	Reg. No. 32,836	Nesheiwat, Michael J.	Reg. No. 47,819
Black, David W.	Reg. No. 42,331	Nicholls, Dennis A.	Reg. No. 42,036
Brake, Edward	Reg. No. 37,784	Nielsen, Walter W.	Reg. No. 25,539
Brennan, Thomas F.	Reg. No. 35,075	Padys, Danny J.	Reg. No. 35,635
Burge, Ben	Reg. No. 42,372	Parker, Lanny	Reg. No. 44,281
Chadwick, Robin A.	Reg. No. 36,477	Parker, J. K.	Reg. No. 33,024
Chen, George	Reg. No. 50,807	Peacock, Gregg A.	Reg. No. 45,001
Choi, Glen	Reg. No. 43,546	Pedersen-Giles, Alan	Reg. No. 39,996
Clark, Barbara J.	Reg. No. 38,107	Perdok, Monique M.	Reg. No. 42,989
Clise, Timothy B.	Reg. No. 40,957	Peret, Andrew R.	Reg. No. 41,246
Cochran, David R.	Reg. No. 46,632	Peterson, David C.	Reg. No. 47,857
Cool, Kenneth J.	Reg. No. 40,570	Plimier, Michael D.	Reg. No. 43,004
Crawford, Ted A.	Reg. No. 50,610	Price, Lucinda G.	Reg. No. 42,270
Dahl, John M.	Reg. No. 44,639	Proksch, Michael A.	Reg. No. 43,021
DeLizio, Andrew	Reg. No. 52,806	Prout, William F.	Reg. No. 33,995
Diehl, Robert	Reg. No. 40,992	Reif, Kevin A.	Reg. No. 36,381
Draeger, Jeffrey S.	Reg. No. 41,000	Sayles, Crystal D.	Reg. No. 44,318
Drake, Eduardo E.	Reg. No. 40,594	Schumm, Sherry W.	Reg. No. 39,422
Embretson, Janet E.	Reg. No. 39,665	Schwegman, Micheal L.	Reg. No. 25,816
Faatz, Cindy	Reg. No. 39,973	Scott, Russell	Reg. No. 43,103
Forrest, Bradley A.	Reg. No. 30,837	Seddon, Ken	Reg. No. 43,105

Gagne, Christopher	Reg. No. 36,142	Seeley, Mark	Reg. No. 32,299
Gorrie, Gregory J.	Reg. No. 36,530	Shah, Ami P.	Reg. No. 42,143
Greaves, John N.	Reg. No. 40,362	Simon, David	Reg. No. 32,756
Green, Sharmini N.	Reg. No. 41,410	Skabrat, Steve	Reg. No. 36,279
Greenberg, Robert A.	Reg. No. 44,133	Speier, Gary J.	Reg. No. 45,458
Greenwald, Bradley A.	Reg. No. 34,341	Steffey, Charles E.	Reg. No. 25,179
Harris, Robert J.	Reg. No. 37,346	Steiner, Paul E.	Reg. No. 41,326
Hope, Libby	Reg. No. 46,774	Stutman-Horn, Joni D.	Reg. No. 42,173
Huter, Jeffrey B.	Reg. No. 41,086	Tong, Viet V.	Reg. No. 45,416
Jackson Huebsch, Katharine A.	Reg. No. 47,670	Tran, David	Reg. No. 50,804
Jurkovich, Patti J.	Reg. No. 44,813	Travis, John F.	Reg. No. 43,203
Kalis, Janal M.	Reg. No. 37,650	Tweet, Kerry D.	Reg. No. 45,959
Kalson, Seth	Reg. No. 40,670	Viksnins, Ann S.	Reg. No. 37,748
Klima-Silberg, Catherine I.	Reg. No. 40,052	Wawrzyn, Robert	Reg. No. 54,654
Kluth, Daniel J.	Reg. No. 32,146	Wells, Calvin	Reg. No. 43,256
Lacy, Rodney L.	Reg. No. 41,136	Whittington, Stuart	Reg. No. 45,215
Lam, Peter	Reg. No. 44,855	Willardson, Michael	Reg. No. 50,856
Lin, Issac	Reg. No. 50,672	Winkle, Robert G.	Reg. No. 37,474
Lundberg, Steven W.	Reg. No. 30,568	Wisor, Rita	Reg. No. 41,382
Maki, Peter C.	Reg. No. 42,832	Woessner, Warren D.	Reg. No. 30,440
Malen, Peter L.	Reg. No. 44,894	Wong, Sharon	Reg. No. 37,760
Martinez, Anthony	Reg. No. 44,223	Yates, Steven D.	Reg. No. 42,242

**STATEMENT UNDER 37 CFR § 3.73(b)**

Intel Corporation is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor filed April 26, 2001 and recorded on Reel 011748, Frames 0518 - 0520.

Pursuant to 37 C.F.R. §3.73(b) I hereby declare that I, David Simon, am empowered to sign this statement on behalf of Intel Corporation, the assignee.

Please direct all correspondence in this case to:

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, Minnesota 55402  
612-373-6900

Date January 27, 2004

By   
David Simon  
Title: Chief Patent Counsel

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MELVIN KRAUS  
WILLIAM I. SOLOMON\*  
GREGORY E. MONTONE  
RONALD J. SHORE  
DONALD E. STOUT  
ALAN E. SCHIAVELLI  
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LAW OFFICES  
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OF COUNSEL  
DAVID T. TERRY  
HAROLD A. WILLIAMSON\*  
STERLING W. CHANDLER\*  
PATENT AGENT  
LARRY N. ANAGNOS

EXHIBIT B

29 June 2005

Mr. Richard Padaguan  
Blakely, Sokoloff, Taylor & Zafman  
1279 Oakmead Parkway  
Sunnyvale, CA 94085

Re: Pending U.S. Patent Applications for Intel Corporation

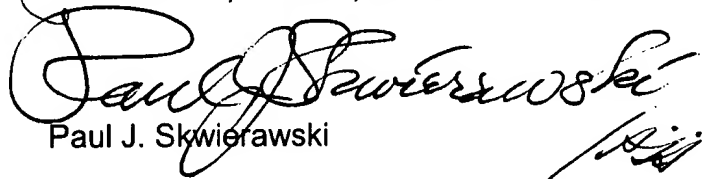
Dear Mr. Padaguan:

The box in which this letter is enclosed appears to contain various USPTO and associate mail received for cases owned by Intel Corporation that were previously transferred out of our firm.

The box was found in our Docketing Department. The standing orders to our Docketing Department regarding all correspondence received for Intel Corporation have been (1) do not docket or otherwise process, and (2) forward to the appropriate firm handling the application to which the mail pertained. However, apparently due to turnover in docketing personnel, it appears that this mail was merely set to the side instead of being forwarded to the appropriate firm.

We apologize for any inconvenience this matter may have caused.

Very truly yours,  
ANTONELLI, TERRY, STOUT & KRAUS, LLP

  
Paul J. Skwierawski

PJS:pjj  
Enclosures





UNITED STATES PATENT AND TRADEMARK OFFICE

884. B05US1

SLWR

INTEL P11068

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

OCT 31 2005

T\_ICC01006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,019	04/26/2001	Dean S. Susnow	219.40042X00	7054

20457 7590 10/27/2004

ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-9889

EXAMINER

PIZARRO, RICARDO M

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 10/27/2004

RECEIVED

JUL 12 2005

B.S.T.Z. DATABASE DEPT.

Please find below and/or attached an Office communication concerning this application or proceeding.

Schwegman, Lundberg  
Woessner & Ruth, P.A.

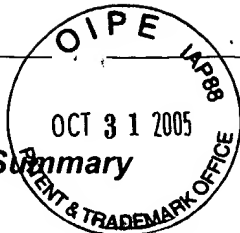
AUG 02 2005

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JUL 28 2005

PORTFOLIO IP



## Office Action Summary

### Application No.

09/842,019

### Applicant(s)

SUSNOW ET AL.

### Examiner

Ricardo Pizarro

### Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8 and 11 is/are rejected.
- 7) ☒ Claim(s) 1-7, 9, 10 and 12-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-25 are objected to because of the following informalities and it is requested to applicant:

In claim 1 line 3 delete “that” in line 11 replace “the” with –a-, in line 12 delete the first occurrence of “the”, in line 13 delete “the” and replace the first occurrence of “a’ with –said-.

In claim 2 line 4 delete “the”, in line 8 replace “a; with –another-. In claim 3 line 3 delete “the”.

In claim 5 line 2 replace “the” with –a-, in cline 3 replace :”the “ with –a-, in line 4 delete “the”, in line 5 replace “the” with –a-.

In claim 6 line 3 insert “said” before –receive buffer-, replace “each” with –the- and replace “a’ with –the-.

In claim 8 line 5 insert “at least one” before –remote system-.

In claim 9 replace “the “ with –a-, in line 9 replace the first occurrence of “a’ with –said-, in line 16 replace “the” with –a-, and insert “corresponding to said timer” after –VL-. In line 234 replace “a’ with –the-.

In claim 11 line 3 replace “that” with –a-, insert “corresponding to said scheduler- after –VL-.

In claim 12 line 4 delete “that”, in line 5 replace “the” with –a-, in line 12 replace “the” with –a-, in line 13 delete the first occurrence of “the”.

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In claim 13 line 2 replace "the" with -a-, in line 3 replace "the" with -a-, in line 6 replace "the" with -a-, in line 12 replace the first occurrence of "the" with -a-, in line 13 delete "the".

In claim 13 line 2 replace "the" with -a-, in line 3 replace "the" with -a-, in line 7 replace "a" with -another-.

In claim 14 line 1 replace "said" with -a-, in line 3 delete "the". In claim 16 line 2 replace "the" with -a-, in line 3 replace "the" with -a-, in line 4 replace "the" with -a-, in line 5 replace "the" with -a-.

In claim 17 line 3 insert "said" before -receive-, replace "each" with -the- and replace "a" with -the-.

In claim 19 line 14 replace "a" with -said-, in line 15 replace "that" with -a- and insert "corresponding to said timer" after -VL-, in line 17 replace "of the" with - of a corresponding-, in line 20 replace "a" with -the-, in line 24 replace "a" with -the-, in line 26 replace "a" with -the-. In claim 20 line 3 delete "that", in line 5 replace "the" with -a-. In claim 21 line 3 delete "the".

In claim 23 replace "the" with -a-, in line 3 replace "the" with -a-, in line 4 replace "the" with -a-, in line 5 replace "the" with -a-.

In claim 24 line 1 replace "said" with -a-, in line 2 replace "said" with -a-, in line 3 insert "said" before -receive- replace "each" with -the- and replace "a" with -the-.

Appropriate correction is required.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal in view of Gutierrez.

US patent No. 6,766,467 ( Neal et al ) discloses a method and apparatus for pausing a send queue, comprising: a host system having a host adapter ( i.e Host adapters HCA 118-124 in Fig. 1) ;at least one remote system ( i.e. remote system 110 in Fig. 1); a switch fabric which interconnects said host system via said host-fabric adapter to said remote system along different physical links for data communications (switch fabric 116 in Fig. 1.) ; and one or more communication ports provided in said host-fabric adapter of said host system (Ports 312m 314, 316 in Host adapter 300 in Fig. 3) each port including a set of transmit and receive buffers capable of sending and receiving data packets concurrently via respective transmitter and receiver at an end of a physical link, via said switched fabric ( Queue pairs 302, 303, 304..... in Fig. 3), and a flow control mechanism at the end of said physical link ( each virtual lane VL 318-334 in Gig. 3 has its own flow control), as in claim 8; wherein said flow control mechanism contains a Link Packet Scheduler per virtual lane (VL) arranged to schedule a link packet transmission for that virtual lane VL, as in claim 11.

Neal did not specifically disclose said flow control being utilized to prevent loss of data due to receive buffer overflow, as in claim 8; wherein said flow control

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mechanism contains a Link Packet Scheduler per lane arranged to schedule a link packet transmission for that lane VL, as in claim 11.

However US patent No. 6,570,850 (Gutierrez et al) discloses a System for regulating message flow in a network, comprising the use of a flow control mechanism to prevent loss of data due to receive buffer overflow, ( col 2 lines 50-54 as in claim 8; wherein said flow control mechanism contains a Link Scheduler per virtual lane arranged to schedule a link packet transmission for that lane ( Scheduler 53 in Fig.2, col11 lines 24-27) as in claim 11.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the use of the flow control mechanism to a switching node or device as disclosed by Gutierrez the system disclosed by Neal with the motivation of reducing or preventing congestion in said network by avoiding that either the switching nod might receive information faster that it can transmit or a destination device might receive information at a rate faster that it can buffer and process it.

***Allowable Subject Matter***

3. Claims 9-10, 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.
4. Claims 1-7 and 19-28 would be allowable if rewritten to overcome objection to claims under 37 CFR 1.75.

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US patent No. 6,747,949 (Futral) discloses a register Baser Remote data flow control
- Us Patent no. 6,757,348 (Vila et al ) discloses a high speed coordinated multi channel elastic buffer.
- US patent No. 6,243,358 ( Monim) discloses Process and Device for allocating resources in a packet transmission network.
- US patent No. 6,594,701 ( Forin) discloses Credit-based methods and systems for controlling data flow.
- US patent No. 6,347,337 ( Shah et al) discloses a Credit based flow control scheme over a virtual interface.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9306

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20<sup>th</sup> Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Art Unit: 2661

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kenneth Vanderpuye** on (571) 272-3078.

9/29/2004

*Ricardo M. Pizarro*

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line extending to the right.



**Notice of References Cited**

Application/Control No.

09/842,019

Applicant(s)/Patent Under  
Reexamination  
SUSNOW ET AL.

Examiner

Ricardo Pizarro

Art Unit

2661

Page 1 of 2

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,657,962	12-2003	Barri et al.	370/235
	B	US-6,188,698	02-2001	Galand et al.	370/412
	C	US-6,570,850	05-2003	Gutierrez et al.	370/231
	D	US-6,766,467	07-2004	Neal et al.	714/5
	E	US-6,789,143	09-2004	Craddock et al.	710/54
	F	US-6,725,296	04-2004	Craddock et al.	710/52
	G	US-6,721,806	04-2004	Boyd et al.	719/312
	H	US-6,778,548	08-2004	Burton et al.	370/429
	I	US-6,751,235	06-2004	Susnow et al.	370/503
	J	US-6,747,997	06-2004	Susnow et al.	370/509
	K	US-6,745,353	06-2004	Susnow et al.	714/706
	L	US-6,148,381	11-2000	Jotwani, Ravi	711/158
	M	US-6,678,782	01-2004	Aydemir et al.	710/316

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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	P					
	Q					
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	S					
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**NON-PATENT DOCUMENTS**

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	U	
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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

**Notice of References Cited**

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09/842,019

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Reexamination  
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Art Unit

2661

Page 2 of 2

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,775,719	08-2004	Leitner et al.	710/33
	B	US-6,347,337	02-2002	Shah et al.	709/224
	C	US-6,747,949	06-2004	Futral, William T.	370/231
	D	US-6,757,348	06-2004	Vila et al.	375/372
	E	US-6,594,701	07-2003	Forin, Alessandro	709/232
	F	US-6,208,661	03-2001	Marshall, John William	370/412
	G	US-5,825,748	10-1998	Barkey et al.	370/236
	H	US-5,633,867	05-1997	Ben-Nun et al.	370/399
	I	US-6,724,779	04-2004	Alleyne et al.	370/517
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

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	O					
	P					
	Q					
	R					
	S					
	T					

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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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OCT 31 2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,019	04/26/2001	Dean S. Susnow	219.40042X00	7054

20457 7590 06/02/2005

ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-3873

EXAMINER

PIZARRO, RICARDO M

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT C



# Notice of Abandonment

Application No.

09/842,019

Examiner

Ricardo Pizarro

Applicant(s)

SUSNOW ET AL.

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 10/27/04.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

*Chau T. Nguyen*

CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.